

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Eris Omar Servellon Valladares

v.

Case No. 1:23-cv-00143-PB

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 30, 2023, and dismiss this case, without prejudice, as the petitioner has not paid the filing fee in this matter or filed a motion to obtain in forma pauperis status. See 28 U.S.C. §§ 1914(a), 1915(a); Rules 1(b) & 3(a) of the Rules Governing § 2254 Cases. The pending motion for summary judgment (doc. no. 6) is denied without prejudice, the clerk of court shall enter judgment and close the case.

"'[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'"
School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

/s/ Paul J. Barbadoro
Paul J. Barbadoro
United States District Judge

Date: June 22, 2023

cc: Eris Omar Servellon Valladares, pro se
Anna Dronzek, AUSA